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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003487

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [UN](#) [IZ](#)
SUBJECT: UNAMI INTERESTED IN "GRAND BARGAIN" FOR KIRKUK,
BUT DELAYS HEAVY LIFTING UNTIL NEXT YEAR

Classified By: Senior Advisor Thomas Krajieski, Reasons 1.4 (B) and (D)

¶1. (C) Summary: In a November 2 meeting with S/A Krajieski, UNAMI's Andrew Gilmour said UNAMI will finish its second round of reports on the disputed internal boundaries (DIBs) areas by mid-December, but delay issuing them until after the provincial elections because of the currently tense political situation. UNAMI officials are interested to assess the feasibility of a grand bargain to resolve Kirkuk and the other issues that divide Baghdad and Erbil, and they will provide technical expertise to the Article 23 committee established in the provincial elections law to produce a resolution of Kirkuk's status. Gilmour expressed concern that the make-up of the committee, as likely to be approved by the CoR, may result in isolating the Kurds. He added that the cancellation by Kurdish provincial officials of agricultural contracts held by Sunni Arab farmers in Kirkuk Province is raising tensions. The UN favors a moratorium on such contract cancellations until the status of the province is decided. Gilmour was critical of the human rights record of Kurdish provincial administrators in Ninewa and UN officials believe there may be some merit in allegations of Kurdish responsibility for recent attacks on Christians. End summary.

UNAMI will support Article 23 committee

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¶2. (C) Senior Advisor Krajieski and PolOff met with UNAMI's Political Director Andrew Gilmour and Peter Bartu November 2. Gilmour said UNAMI plans to energetically engage with the committee on Kirkuk established by Article 23 of the Provincial Elections Law (which originally appeared as Article 24 in the first version of the legislation that was passed and then vetoed in July). They expect to receive a letter from Council of Representatives (CoR) Speaker Mashadani November 3 formally requesting UNAMI's technical assistance. Bartu has met with several of the new committee members, who, he said, seem to be serious and credible. In addition to the statutory members of the committee -- two members of the Council of Representatives (CoR) representing each of the three major ethnic groups (Kurds, Arabs, Turkmen) and one representing Christians -- the legislation provides for non-voting expert members. Both Da'wa and ISCI have sought to have a representative join the committee. According to Gilmour, the CoR looks set to endorse the final slate of nine committee members November 3. Gilmour commented that the make-up of the committee could result in isolating the Kurds.

UNAMI will hold Article 140 reports until after elections

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¶3. (C) Gilmour confirmed the adjusted timeline for release of the second round of UNAMI's DIBs reports: field work will be completed by November 15 and draft reports will be ready by mid-December. In an October 28 meeting, Bartu told us the UN will share the draft reports with us by December 15, although

they do not plan to share the reports with the parties until after provincial elections are held in January. (Bartu said UNAMI received a Kurdish request to delay release of their findings until after elections, given the tense state of relations between Baghdad and Erbil, but UNAMI officials were already inclined to hold off until February. Gilmour added that release in 2009 also avoids having the reports get ensnared in the politics surrounding SOFA negotiations.) The UN is still set to offer a menu of options to resolve Kirkuk itself, which will be structured to distribute some pleasure and mostly pain among the various groups as equally as possible. As he has stated previously, Gilmour predicted &no group will be entirely happy with any option.8 UNAMI will not declare a favorite and will be able to accept any of the proposed solutions serving as the nucleus of a compromise.

Some Interest in "Grand Bargain"

14. (C) Gilmour said UNAMI will not react formally to the recent International Crisis Group (ICG) report evaluating a possible "grand bargain" on Kirkuk and the other issues that divide Baghdad and Erbil. He said that privately UN officials see some merit in the idea of facilitating an agreement in which the Kurdish Regional Government (KRG) cedes control over oil and gas in Kurdish-controlled areas in exchange for guarantees of Kurdish autonomy and definition of KRG controlled areas.

Land Tension in Kirkuk

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15. (C) Bartu flagged an issue raising ethnic tension in Kirkuk province -- ongoing efforts by provincial authorities to cancel agricultural contracts with mostly Sunni Arab wafideen in places like Daquq, southeast of Kirkuk city, and Dibis, to the northwest. Kurdish administrators argue that the actions are entirely consistent with Article 140 of the constitution, which calls for a process of "normalization" of land originally inhabited by Kurds prior to Saddam's Arabization program. According to PRT officers in Kirkuk, these contracts have been held since the 1970,s in some cases; the lands in question were previously owned by Kurds, Arabs and Turkomen; and the decision to nullify the contracts appears to be legal under the Article 140 process. Whether legal or not, the result is Arab farmers removed from fertile farmland and a rise in threats from Sunni Arab political leaders. Bartu said UNAMI officials believe there should be a moratorium on such contract cancellations during this tense time. (Comment: We agree these decisions are ill-timed and should be delayed. PRT and UNAMI representatives in Kirkuk have told the Kirkuk governor that he should suspend action on these agricultural contracts until next year, when a decision on elections in Kirkuk will be made. To date, none of the eviction notices have been processed and the cancellations are being held, pending an appeal to and decision by central government authorities. End comment.)

Human Rights in Mosul

16. (C) Gilmour had just been in Mosul and said that he had relayed a stern message to Kurdish provincial authority officials that the UN would be watching provincial elections carefully and would speak out forcefully about any irregularities. He complained to Sinjar District KDP chief Sarbast Omar Hassan Terwanishi of heavy-handed Kurdish attempts to gather pro-KRG tribal and political leaders to meet with the UN. Asked about allegations that the Kurds are responsible for recent attacks on Christians in Mosul, Gilmour said there may "some truth to the allegations." Bartu said the Prime Minister's investigative committee claims to have compelling evidence of Kurdish complicity, although he had not seen it himself.

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